

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36272

STATE OF IDAHO,)	2009 Unpublished Opinion No. 724
)	
Plaintiff-Respondent,)	Filed: December 15, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
RYAN JOSEF HARRELL,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Timothy L. Hansen, District Judge.

Judgment of conviction and concurrent unified sentences of twenty years, with three years determinate, for sexual battery of a minor child sixteen or seventeen years of age and fifteen years, with three years determinate, for enticing children over the Internet, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge, GRATTON, Judge
and MELANSON, Judge

PER CURIAM

Ryan Josef Harrell was indicted by a grand jury on two counts of sexual battery of a minor child sixteen or seventeen years of age, possession of sexually exploitative material, three counts of enticing children over the Internet and sexual abuse of a child under the age of sixteen years. Pursuant to a plea agreement, Harrell pled guilty to one count of sexual battery of a minor child, sixteen or seventeen years of age, Idaho Code § 18-1508A, and to one count of enticing children over the Internet, I.C. § 18-1509A, and the state agreed to dismiss the remaining counts. The district court sentenced Harrell to concurrent unified terms of twenty years, with three years determinate, for the sexual battery charge and to fifteen years, with three years determinate, for

the enticing children over the internet charge. Harrell appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentences. Accordingly, Harrell's judgment of conviction and sentences are affirmed.